

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

ROBERT W. CREIGHTON,	)	Case No. C 15-0919 PSG (PR)
	)	
Petitioner,	)	<b>ORDER OF DISMISSAL</b>
	)	
v.	)	
	)	
TIM PEREZ,	)	
	)	
Respondent.	)	
	)	

Robert W. Creighton, a state prisoner proceeding *pro se*, seeks a writ of habeas corpus pursuant to 28 U.S.C. § 2254, challenging a 2012 conviction and sentence.<sup>1</sup> Creighton has paid the filing fee. Creighton has filed another writ of habeas corpus in *Creighton v. Perez*, No. 15-0943 HRL (N.D. Cal. filed March 2, 2015), in which he challenges the same 2012 conviction and sentence. A review of the petition filed in both cases shows that Creighton has filed the same petition raising the same claim in each case. An order to show cause has already issued in *Creighton v. Perez*, No. 15-0943 HRL.<sup>2</sup>

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<sup>1</sup> On February 27, 2015, Creighton consented to magistrate judge jurisdiction.

<sup>2</sup> *See id.* (Docket No. 4.)

1 For the foregoing reasons, the instant petition is DISMISSED as duplicative. All claims  
2 relating to Creighton's 2012 conviction and sentence must be brought and litigated in *Creighton*  
3 *v. Perez*, No. 15-0943 HRL.

4 Further, a certificate of appealability is DENIED.<sup>3</sup> For the reasons stated above,  
5 Creighton has not shown "that jurists of reason would find it debatable whether the district court  
6 was correct in its procedural ruling."<sup>4</sup>

7 The Clerk of the Court shall terminate all pending motions, and close the file.

8 IT IS SO ORDERED.

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10 DATED: 5/22/2015

  
PAUL S. GREWAL  
United States Magistrate Judge

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27 <sup>3</sup> See Rule 11(a) of the Rules Governing Section 2254 Cases.

28 <sup>4</sup> See *Slack v. McDaniel*, 529 U.S. 473, 484 (2000).